

FOR THE DIS

Plaintiffs,

VS.

CHICAGO DOUGHNUT FRANCHISE COMPANY, LLC; DIVERSIFIED FRANCHISE GROUP, INC., BRIAN PAPPAS; JEFFREY PAPPAS; JACQUELINE BALL; MARK PUBLICOVER; MONTIEDELL “MONTY” MAPLE; BRYAN MORELLE; MARC FREEMAN; RIC McKOWN; and STEVEN MOULTON,

Defendants.

Case No. 2:21-cv-00360-JAD-DJA

The Hon. Jennifer A. Dorsey and The Hon. Daniel J. Albregts.

**STIPULATION WITHDRAWING
MOTION TO EXTEND DEADLINES
(ECF NO. 72) AND REMOVAL OF
SAME FROM HEARING, AND
REQUEST TO MOVE JANUARY 4,
2021 HEARING DATE**

(FIRST REQUEST)

Complaint Filed: March 2, 2021

1 Pursuant to LR IA 6-1 and LR 26-3, Plaintiffs MST Management LLC; Dendary's Donuts
 2 LLC; Lyom & Greybear Lending, LLC; and Skyelee, LLC ("Plaintiffs"); Defendants Brian
 3 Pappas; Jeffrey Pappas; and Jacqueline Ball ("Pappas Defendants"); and Defendants Mark
 4 Publicover; Montiedell "Monty" Maple; Bryan Morelle; Marc Freeman; Ric McKown; and
 5 Steven Moulton ("PMMFMM Defendants" and collectively the "Parties"), by and through their
 6 respective undersigned counsel, hereby stipulate and agree that the most efficient use of judicial
 7 and party resources counsels in favor of the Court withdrawing the current Motion to Extend
 8 Deadlines ("Motion to Extend") and removing the motion from the docket of other discovery
 9 motions recently scheduled for hearing on January 4, 2022. *See* ECF 72 & 98.

10 In short, earlier today the Court scheduled the Motion to Extend for hearing on January 4,
 11 2022; however, good cause and the collective interest of the parties and limited judicious resources
 12 warrant the withdrawal of the Motion to Extend from the Court's docket and removing the motion
 13 from the hearing as well. Simply put, no legitimate reason exists for the Court to hear an outdated
 14 and contested Motion to Extend arguing over the appropriateness of a ***three-month*** extension to
 15 case deadlines, when the agreed-upon stipulation the Parties filed today seeks a ***five-month***
 16 extension of the deadlines, overtaking events and rendering the Motion to Extend moot. *See* ECF
 17 97.

18 The Parties also request that the January 4, 2021 hearing be continued at least three to four
 19 weeks due to a trial setting scheduling conflict and to allow the parties time to try and resolve the
 20 discovery disputes.

21 The undersigned represent that this request is not designed for purposes of delay.

22 Dated: December 15, 2021

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1 Respectfully,

2 MCDONALD CARANO LLP

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28 Bryan Morelle, Marc Freeman, Ric
McKown and Steven Moulton*

29 IT IS SO ORDERED. The motions hearing currently scheduled for January 4, 2022 is
30 **VACATED and RESET for February 1, 2022 at 1:30 p.m. PST.**

31 DATED: December 16, 2021

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33 Daniel J. Albrechts
34 United States Magistrate Judge

CERTIFICATE OF SERVICE

I hereby certify that on this December 15, 2021, a copy of the foregoing was served upon all counsel registered on the Court's CM/ECF system, including the above identified individuals.

/s/ Jason C. McKenney
A partner of Mayer LLP

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